

108TH CONGRESS
1ST SESSION

H. R. 2273

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2003

Mr. UDALL of New Mexico (for himself, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, Mr. RYAN of Ohio, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Unsafe Meat and Poul-
5 try Recall Act”.

1 **SEC. 2. RECALL AUTHORITY OVER MEAT AND MEAT FOOD**
2 **PRODUCTS.**

3 (a) MANDATORY RECALLS AUTHORIZED.—The Fed-
4 eral Meat Inspection Act (21 U.S.C. 601 et seq.) is
5 amended—

6 (1) by redesignating section 411 (21 U.S.C.
7 681) as section 412; and

8 (2) by inserting after section 410 (21 U.S.C.
9 679a) the following new section:

10 **“SEC. 411. NOTIFICATION, NONDISTRIBUTION, AND RECALL**
11 **OF ADULTERATED, MISBRANDED, AND**
12 **OTHER UNSAFE MEAT PRODUCTS.**

13 “(a) MEAT PRODUCT DEFINED.—In this section, the
14 term ‘meat product’ means a carcass, part of a carcass,
15 meat, or meat food product of cattle, sheep, swine, goats,
16 horses, mules, or other equines covered by this Act.

17 “(b) NOTIFICATION REQUIRED.—

18 “(1) NOTICE TO SECRETARY.—A person that
19 has reason to believe that a meat product trans-
20 ported, stored, distributed, or otherwise handled by
21 the person is adulterated, misbranded, or otherwise
22 in violation of this Act shall immediately notify the
23 Secretary, in such manner and by such means as the
24 Secretary may by regulation promulgate, of the iden-
25 tity and location of the meat product.

1 “(2) EXCEPTIONS.—The requirement to notify
2 the Secretary under paragraph (1) does not extend
3 to household consumers of meat products and to
4 such other persons as the Secretary may exempt.

5 “(c) VOLUNTARY NONDISTRIBUTION AND RECALL.—
6 If the Secretary finds that a meat product is adulterated,
7 misbranded, or otherwise in violation of this Act and that
8 there is a reasonable probability that human consumption
9 of the meat product may present a threat to public health,
10 the Secretary shall provide all appropriate persons, as de-
11 termined by the Secretary, that transported, stored, dis-
12 tributed, or otherwise handled the meat product with an
13 opportunity to—

14 “(1) cease distribution of the meat product;

15 “(2) notify all persons transporting, storing,
16 distributing, or otherwise handling the meat product,
17 or to which the meat product has been transported,
18 sold, distributed, or otherwise handled, to imme-
19 diately cease distribution of the meat product;

20 “(3) recall the meat product; and

21 “(4) in consultation with the Secretary, provide
22 notice to consumers to whom the meat product is,
23 or may have been, distributed.

24 “(d) MANDATORY ACTIONS.—If a person refuses to
25 or does not voluntarily take the actions described in sub-

1 section (c) with respect to a meat product within the time
2 and in the manner prescribed by the Secretary, the Sec-
3 retary may, by order, require the person to immediately—

4 “(1) cease distribution of the meat product;

5 “(2) notify all persons transporting, storing,
6 distributing, or otherwise handling the meat product,
7 or to which the meat product has been transported,
8 sold, distributed, or otherwise handled, to imme-
9 diately cease distribution of the meat product; and

10 “(3) recall the meat product or take other ap-
11 propriate action.

12 “(e) NOTICE TO CONSUMERS.—Whenever the Sec-
13 retary orders a mandatory action under subsection (d), the
14 Secretary shall also provide notice to consumers to whom
15 the meat product was, or may have been, distributed, to
16 the extent the Secretary considers necessary.

17 “(f) NONDISTRIBUTION BY NOTIFIED PERSONS.—A
18 person transporting, storing, distributing, or otherwise
19 handling a meat product, or to which a meat product has
20 been transported, sold, distributed, or otherwise handled,
21 that receives notification under subsection (c) or (d) shall
22 immediately cease distribution of the meat product.

23 “(g) VACATION OF ORDER.—If, after providing an
24 opportunity for a hearing on the record, the Secretary de-
25 termines that adequate grounds do not exist to continue

1 the mandatory actions required by an order issued under
2 subsection (d), the Secretary shall vacate the order.

3 “(h) ADDITIONAL REMEDIES.—The remedies pro-
4 vided in this section are in addition to any other remedies
5 that may be available.”.

6 (b) DEFINITION OF PERSON.—(1) Section 1 of the
7 Federal Meat Inspection Act (21 U.S.C. 601) is amended
8 by adding at the end the following new subsection:

9 “(w) PERSON.—The term ‘person’ means any indi-
10 vidual, partnership, corporation, association, or other busi-
11 ness unit.”.

12 (2) The Federal Meat Inspection Act (21 U.S.C. 601
13 et seq.) is amended—

14 (A) by striking “person, firm, or corporation”
15 each place it appears and inserting “person”;

16 (B) by striking “persons, firms, and corpora-
17 tions” each place it appears and inserting “per-
18 sons”; and

19 (C) by striking “persons, firms, or corpora-
20 tions” each place it appears and inserting “per-
21 sons”.

1 **SEC. 3. RECALL AUTHORITY OVER POULTRY AND POULTRY**
2 **FOOD PRODUCTS.**

3 (a) MANDATORY RECALLS AUTHORIZED.—The Poul-
4 try Products Inspection Act (21 U.S.C. 451 et seq.) is
5 amended by adding at the end the following new section:

6 **“SEC. 31. NOTIFICATION, NONDISTRIBUTION, AND RECALL**
7 **OF ADULTERATED, MISBRANDED, AND**
8 **OTHER UNSAFE POULTRY PRODUCTS.**

9 “(a) NOTIFICATION REQUIRED.—

10 “(1) NOTICE TO SECRETARY.—A person that
11 has reason to believe that a poultry product trans-
12 ported, stored, distributed, or otherwise handled by
13 the person is adulterated, misbranded, or otherwise
14 in violation of this Act shall immediately notify the
15 Secretary, in such manner and by such means as the
16 Secretary may by regulation promulgate, of the iden-
17 tity and location of the poultry product.

18 “(2) EXCEPTIONS.—The requirement to notify
19 the Secretary under paragraph (1) does not extend
20 to household consumers of poultry products and to
21 such other persons as the Secretary may exempt.

22 “(b) VOLUNTARY NONDISTRIBUTION AND RECALL.—
23 If the Secretary finds that a poultry product is adulter-
24 ated, misbranded, or otherwise in violation of this Act and
25 that there is a reasonable probability that human con-
26 sumption of the poultry product may present a threat to

1 public health, the Secretary shall provide all appropriate
2 persons, as determined by the Secretary, that transported,
3 stored, distributed, or otherwise handled the poultry prod-
4 uct with an opportunity to—

5 “(1) cease distribution of the poultry product;

6 “(2) notify all persons transporting, storing,
7 distributing, or otherwise handling the poultry prod-
8 uct, or to which the poultry product has been trans-
9 ported, sold, distributed, or otherwise handled, to
10 immediately cease distribution of the poultry prod-
11 uct;

12 “(3) recall the poultry product; and

13 “(4) in consultation with the Secretary, provide
14 notice to consumers to whom the poultry product is,
15 or may have been, distributed.

16 “(c) MANDATORY ACTIONS.—If a person refuses to
17 or does not voluntarily take the actions described in sub-
18 section (b) with respect to a poultry product within the
19 time and in the manner prescribed by the Secretary, the
20 Secretary may, by order, require the person to imme-
21 diately—

22 “(1) cease distribution of the poultry product;

23 “(2) notify all persons transporting, storing,
24 distributing, or otherwise handling the poultry prod-
25 uct, or to which the poultry product has been trans-

1 ported, sold, distributed, or otherwise handled, to
2 immediately cease distribution of the poultry prod-
3 uct; and

4 “(3) recall the poultry product or take other ap-
5 propriate action.

6 “(d) NOTICE TO CONSUMERS.—Whenever the Sec-
7 retary orders a mandatory action under subsection (c), the
8 Secretary shall also provide notice to consumers to whom
9 the poultry product was, or may have been, distributed,
10 to the extent the Secretary considers necessary.

11 “(e) NONDISTRIBUTION BY NOTIFIED PERSONS.—A
12 person transporting, storing, distributing, or otherwise
13 handling a poultry product, or to which a poultry product
14 has been transported, sold, distributed, or otherwise han-
15 dled, that receives notification under subsection (b) or (c)
16 shall immediately cease distribution of the poultry prod-
17 uct.

18 “(f) VACATION OF ORDER.—If, after providing an
19 opportunity for a hearing on the record, the Secretary de-
20 termines that adequate grounds do not exist to continue
21 the mandatory actions required by an order issued under
22 subsection (c), the Secretary shall vacate the order.

1 “(g) ADDITIONAL REMEDIES.—The remedies pro-
2 vided in this section are in addition to any other remedies
3 that may be available.”.

○